

SEP. 1 1994

STATE OF MAINE

SUPREME JUDICIAL COURT

SUPREME JUDICIAL COURT

Docket No. Bar-87-15

BOARD OF OVERSEERS OF THE BAR)

v.)

ANDREWS B. CAMPBELL)

OPINION AND ORDER

The petitioner, Andrews B. Campbell, seeks reinstatement to the Bar of the State of Maine pursuant to Maine Bar Rule 7.3(j)(5). For the reasons stated herein, this Court denies his petition for reinstatement.

Background and Procedural History

The record in this case shows that during the trial of his client Dennis Friel on September 12, 1984, Campbell engaged in disruptive conduct for which he was held in criminal contempt. In affirming that conviction we found that "Campbell's conduct . . . constituted an actual and willful obstruction of the administration of justice. . . ." See State v. Campbell, 497 A.2d 467, 472 (Me. 1985). Campbell was reprimanded by the Board of Overseers of the Bar for conduct prejudicial to the administration of justice and engaging in "undignified or discourteous conduct that is degrading to a tribunal." We affirmed in Board of Overseers of the Bar v. Campbell, 539 A.2d 208 (Me. 1988). In January 1987 Campbell participated in an illegal drug transaction for which he was later convicted of conspiracy and possession with intent to distribute on August 17, 1987. Contending that he had been entrapped, Campbell appealed. His conviction was affirmed in United States v. Campbell, 874 F.2d 838 (1st Cir. 1989). Campbell was

sentenced to one year imprisonment and special parole of three years. On December 17, 1987, we suspended him from the practice of law and subsequently disbarred him, retaining the right to consider a petition for reinstatement filed after four years from date of disbarment. See Board of Overseers of the Bar v. Campbell, Bar-87-15 (July 26, 1989) (Glassman, J.).

In June 1990, after release from prison, Campbell obtained a job with attorney Thomas Carey in Rumford, working as a full-time paralegal. He worked there alongside attorney Michael Steven, an associate of attorney Carey. Campbell stayed at that job until May 1993 when he was fired. Since then he has worked as a paralegal for two other Maine attorneys, David Whittier and William Masselli.

On August 13, 1993, Campbell petitioned for reinstatement. After three days of hearings a majority of the three member Grievance Commission panel recommended reinstatement, concluding that Campbell had established by a preponderance of the evidence (but not by clear and convincing evidence) that reinstatement would not be detrimental to the integrity and standing of the Bar, the administration of justice, or to the public interest:

This element has given the panel the most difficulty. The panel is concerned about the petitioner's tendency to lose his temper, be overly aggressive and to lose his objectivity about issues. The panel witnessed agitated and argumentative behavior on petitioner's part during two out of the three days of hearing the matter. However, the majority of the panel, although having serious concerns in these areas, believe that these extremely subjective judgments should not -- on balance -- be sufficient to preclude petitioner's readmission to the Bar.

Me. Grievance Comm'n, No. Bar-87-15 at 19 (Feb. 22, 1994). The third

member of the panel concluded that Campbell had not carried his burden by a preponderance and had failed to establish by a preponderance that he had not engaged in professional misconduct or had the requisite honesty and integrity to practice law. Inferentially the panel was unanimous, however, that Campbell had not presented clear and convincing evidence that his readmission would not be detrimental to the integrity and standing of the Bar, the administration of justice, or the public interest.

After hearing from counsel and reviewing the Commission's Report, Findings and Recommendations, the Board of Overseers of the Bar concluded that Campbell's burden was to present clear and convincing evidence. A majority of the Board recommended that Campbell not be reinstated to the Bar.

On August 9, 1994, this Court held a de novo hearing on Campbell's petition. The Board of Overseers was represented by Bar Counsel J. Scott Davis, Esq., and Campbell appeared personally and by his counsel, Ricky L. Brunette, Esq. At the hearing, the parties stipulated to the admission into evidence of the transcripts and exhibits from the Grievance Commission hearings, the findings and recommendations of the panel, the panel's dissent, the transcript of the argument before the Board, and the findings and recommendations of the Board. This Court heard additional testimony from Campbell and Thomas L. Fusco and by agreement received a letter of support from William Masselli, Esq. after the hearing.

Applicable Law

I am not required to consider whether the recent amendments to

Title 4 M.R.S.A. § 804-A(2)(A) do or could change the rules governing the readmission of persons into the Bar of Maine. See Application of Hughes, 594 A.2d 1098, 1100 (Me. 1991). Because his petition for reconsideration was pending when the amendment to § 804-A(2)(A) was adopted and because the legislation is silent as to its intended applicability to pending proceedings, the recent amendment was not intended to apply to Campbell's petition. Title 1 M.R.S.A. § 302.

Petitioner's Burden of Proof

The petitioner in a reinstatement proceeding has the burden of proving his or her qualifications for reinstatement. The issue of whether a petitioner must satisfy that burden by a preponderance of the evidence or by presenting clear and convincing evidence arose in the panel's decision. The panel read Bar Rule 7.3(j)(5) to require proof by clear and convincing evidence on some issues and proof by a preponderance of the evidence on others. Bar Counsel argues this was error. This Court agrees.

In Application of Hughes, 594 A.2d 1098, 1101 (Me. 1991), we held that a petitioner for reinstatement to the Bar must demonstrate the applicable qualifications for readmission by clear and convincing evidence. We were there interpreting the then existing Rule 7(o)(5) which, unlike the present Rule 7.3(j)(5), contained no explicit standard of proof.¹ In Hughes

1. The applicable text of Maine Bar Rule 7(o)(5) read:

[T]he petitioner . . . shall have the burden of demonstrating the moral qualifications, competency and learning in law required for admission to practice law in this State, and that reinstatement will not be detrimental to the integrity and standing of the Bar, the administration of justice, or to the public interest.

we specifically held that a petitioner for reinstatement had to prove by clear and convincing evidence that reinstatement would not be detrimental to the integrity and standing of the Bar, the administration of justice, or to the public interest. Id.

Following Hughes, we amended Bar Rule 7 in March of 1992. The amendment renumbered Rule 7(o)(5) to 7.3(j)(5) and made the following underlined additions to the text:

[T]he petitioner . . . shall have the burden of presenting clear and convincing evidence demonstrating the moral qualifications, competency and learning in law required for admission to practice law in this State. The petitioner shall also offer evidence sufficient to satisfy the Commission that it is likely that reinstatement will not be detrimental to the integrity and standing of the Bar, the administration of justice, or to the public interest. Factors to be considered as to the petitioner's meeting that burden include evidence that:

(A) The petitioner has fully complied with the terms of all prior disciplinary orders;

(B) The petitioner has not engaged nor attempted to engage in the unauthorized practice of law;

(C) The petitioner recognizes the wrongfulness and seriousness of the misconduct;

(D) The petitioner has not engaged in any other professional misconduct since resignation, suspension or disbarment.

(E) The petitioner has the requisite honesty and integrity to practice law;

(F) The petitioner has kept informed about recent developments in the law and is competent to practice law.

Me. Bar R. 7.3(j)(5). The Board of Overseers note to this amendment states:

Rule 7.3(j)(5) makes clear that the burden of establishing eligibility for reinstatement is one of presenting clear and convincing evidence. The paragraph also sets out specific factors to be considered in determining whether the attorney seeking reinstatement has met the burden. The new provisions reflected in Rule 7.3(j) are in large part derived from ABA, Model Rules for Lawyer Disciplinary Enforcement, Rules 23-25 (1989).

Me. Bar R. 7.3 Board of Overseers' note. In fact, the factors listed in sections (A) through (F) of Rule 7.3(j)(5) were adopted verbatim from the Model Rules. See Model Rules for Lawyer Disciplinary Enforcement Rule 25 E (1989). The Model Rules explicitly state that the petitioner shall have the burden of demonstrating by clear and convincing evidence compliance with these criteria. Id. Rule 25 G.

Campbell argues that this amendment established two standards of proof: (1) proof by clear and convincing evidence of the moral qualification, competency, and learning requirements and (2) proof by a preponderance of the evidence of the remaining requirements. In essence, he argues that the phrase -- "The petitioner shall also offer evidence sufficient to satisfy the Commission that it is likely" -- establishes a distinct burden from the one established in the preceding sentence. Although Campbell's reading of this rule is structurally and grammatically conceivable, it is contrary to the intent of the rule.

As in the case of statutory interpretation, it is the underlying intent of a rule that controls its interpretation. Maine Sav. Bank v. DeCosta, 403 A.2d 1195, 1199 (Me. 1979); see also John David Kennedy, Statutory Construction in Maine, Me. Bar J., May 1992, at 148, 149. The history respecting the drafting of court rules as reflected in the Committee's Notes has persuasive force in the construction to be given to any part of the rules that may present some ambiguity or inconsistency. Id. at 1200.

In this instance, the Board's note states that the effect of the change was to establish the petitioner's burden as one of presenting clear and

convincing evidence. The note speaks of only one burden and refers to it as "the burden". Furthermore, the note indicates that the provisions were in large part derived from the ABA Model Rules. As noted above, the Model Rules establish a clear and convincing standard. There is no indication that the drafters of the Maine rule intended to adopt any burden other than the one contained in the Model Rules. On the contrary, the inference in the Board's note is that the intent was to follow the Model Rules. Nor was there any indication that the intent was to reduce the burden that we had announced the year prior.

In addition, the rule states that these are "[f]actors to be considered as to the petitioner's meeting that burden. . . ." Me. Bar R. 7.3(j)(5) (emphasis added). The fact that the reference to "that burden" immediately follows the sentence that Campbell argues creates a separate burden, makes his reading of the rule incongruous. In order for his reading of the statute to be logical, either: (1) "that burden" does not refer to the burden supposedly created in the preceding sentence; or (2) the standard of proof for the six factors following this phrase is not the same clear and convincing standard that is used in the Model Rules from which these factors were adopted verbatim. Neither of these options is reasonable. The former is inconsistent with logical paragraph structure. The latter is inconsistent with the Board of Overseers' note.

The most logical reading of this rule, and the one consistent with the intent as expressed in the Board's note and in our decisions, is that there is simply one burden -- clear and convincing evidence. The requirement that

the petitioner "offer evidence sufficient to satisfy the Commission (and ultimately this Court) that it is likely that reinstatement will not be detrimental" does not create a distinct standard of proof. Rather this phrase describes the conclusion to be reached -- the likelihood of no future detrimental effect. The evidence tending to support the prediction must be "clear and convincing." Application of Hughes, 594 A.2d at 1101; In re Hiss, 333 N.E. 2d 429, 438 (Ma. 1975); see also Taylor v. Commissioner of Mental Health and Mental Retardation, 481 A.2d 139, 150 (Me. 1984). Thus, in order to satisfy the burden imposed by Rule 7.3(j)(5), the petitioner must offer clear and convincing evidence sufficient to satisfy us that it is likely his reinstatement will not be detrimental to the integrity and standing of the Bar, the administration of justice, or to the public interest.

Campbell's burden is a heavy one. A former attorney petitioning for reinstatement bears a much heavier burden than one seeking to prove fitness for initial admission to a state bar. Application of Hughes, 594 A.2d at 1100. A petitioner for reinstatement must undergo more exacting scrutiny and make a much more rigorous showing. That higher standard of proof is a meaningful and difficult standard to meet, wherein "the party with the burden of persuasion may prevail only if he can 'place in the ultimate fact finder an abiding conviction that the truth of "his" factual contentions are highly probable.'" Taylor v. Commissioner of Mental Health and Mental Retardation, 481 A.2d at 153.

Findings of Fact

This Court is satisfied that Campbell has failed to carry by clear and

convincing evidence the burden of demonstrating that his readmission would "Likely . . . not be detrimental to the integrity and standing of the Bar, the administration of justice, or to the public interest." Me. Bar R. 7.3(j)(5). This Court is concerned, as was the Grievance Commission panel, that Campbell's lack of candor and his intemperate and arguably unethical conduct might very well reemerge to the detriment of the Bar, the administration of justice, and the public.

The Board of Overseers of the Bar saw these same deficiencies in Campbell's conduct as going to his competence and one Grievance Commission panel member also saw them as reflecting on his moral qualifications. It is perhaps not as necessary to pigeonhole the conduct as to describe it.

A. Lack of Candor

Campbell's testimony with respect to a letter to the New York Appellate Division (Bd. Ex. 3), and with respect to his conversation with Linda Newcomb was evasive, inconsistent, and incredible. On at least these two issues his testimony was less than truthful to a degree incompatible with the honesty that is expected from an attorney.

First, the evidence shows that Campbell was unwilling to testify candidly about his degree of participation in the drafting of a letter from his then employer, Thomas Carey,² to the New York Appellate Division in August

² This Court notes that there was an issue of credibility with respect to the Carey testimony. During most of the proceedings, Carey was the target of grievance complaints filed by Campbell and Campbell's attorney and a former client. On August 17, 1994 Panel C of the Grievance Commission reprimanded Carey for: (1) improperly reading and reproducing a letter addressed to Campbell, and then attempting to use that letter to discredit Campbell at a

1990. Initially, Campbell testified that Carey wrote the letter. (Tr. 89). Carey then testified that Campbell authored the letter. (Tr. 241). Only later did Campbell admit that he had input. (Tr. 436). Then during questioning by the panel, Campbell admitted that he drafted the letter and retyped whatever changes were made by Carey, but concluded: "my testimony is I don't remember specifically. . . . It was his letter." (Tr. 442). The panel characterized Campbell's testimony more charitably: "Petitioner somewhat stubbornly and irrationally insisted that signing a letter was the equivalent of writing it since the signer necessarily adopted the content of the letter, and therefore he refused to agree that he wrote the letter for Carey." At the hearing in front of this Court, Campbell continued to be evasive about his participation in the preparation of this letter.

Campbell was similarly evasive with regard to his conversation with Linda Newcomb in November of 1993, in which he allegedly initiated an improper contact with a member of the panel. At first, Campbell testified that he did not remember who brought up the name of John Foster.³ (Tr. 494). Then he testified that he probably brought up Foster, but has no recollection of it. (Tr. 495). He testified that he did not recall whether he told Newcomb if Foster was a member of his reinstatement panel. (Tr. 496).

hearing on Campbell's application for unemployment compensation; and (2) for failing to disclose a pecuniary interest adverse to the former client. See Me. Grievance Comm'n, Nos. 93-K-129; 93-K-232 (Aug. 17, 1994). To his credit Campbell had strongly objected to the former and counselled against the latter while a Carey employee. This Court finds no fault with Carey's testimony before the panel.

3. John A. Foster, Esq., was the chairman of the Grievance Commission panel that held hearings on Campbell's petition for reinstatement.

Newcomb then testified that when she told Campbell that she was from Eastport, he asked her whether she knew any of the Fosters there. (Tr. 502). When she said that she knew John Foster, he told her that Foster was on a board that he would have to meet in regard to the Bar. (Tr. 504). He also told her if she happened to see Foster to tell him that Andy Campbell is not such a bad fellow. (Tr. 503).

Eventually, Campbell conceded: "I believe I did say you can say I'm okay if you ever run into him or something like that. . . . But it's quite possible I said that, what she said." (Tr. 608-09). When faced with a question from the panel that suggested that such a comment might be unethical, he backed away from this testimony saying: "No, I said something like if you ever run into him you can say -- I believe it was we cook a pretty good meal and I'm not so bad in that light." (Tr. 609-10). Finally, however, he agreed that Newcomb was "entirely credible" and when asked whether he accepted her testimony, responded: "Oh, I do indeed." (Tr. 612-13). At the hearing in front of this court, Campbell testified that he does not remember the content of his conversation with Newcomb, but that her testimony was honest.

"[T]here is no place in the law for a man who cannot, or will not, tell the truth even when his own interests are involved. In the legal profession particularly there must be reverence for truth.' Candor throughout the admission process is critical to a finding of fitness to practice law." Application of Strait, 577 A.2d 149, 156 (N.J. 1990) (citations omitted). Campbell's own testimony demonstrated a lack of candor and an attempt to

conceal the truth. His failure to be forthcoming, in effect, created an issue of honesty where arguably no such issue existed.

B. Intemperate Conduct

During his testimony, Campbell engaged in personal attacks against Bar Counsel and Thomas Carey that were unnecessarily hostile and irrelevant to the proceeding or the question at issue. This Court finds that the manner in which they were made was disruptive and repugnant to the proceedings and evidenced a lack of respect for this process.

Campbell showed an inappropriate lack of respect towards Bar Counsel.⁴ He sought to belittle him by referring to him by his first name. (Tr. 55, 545, 567). When asked whether he sought a copy of a particular Bar complaint, Campbell responded: "Every time I've asked for something you said I wrote it or I had something to do with it, so I'm really reluctant to ask you for anything; but I don't think I asked for it." (Tr. 557).

Campbell often used the witness stand to voice his opinion of Bar Counsel and air unsubstantiated allegations against him. "I believe that the products of that theft are being used by you, which are compounding a felony." (Tr. 87).

[M]y subjective impression has been you've been corralled into dealing with the Brunette and Pratt complaint. . . . My personal

4. Campbell incorrectly assumed that in a reinstatement proceeding "Bar Counsel's role is to ensure that the applicable statutes and Rules are met, and to 'do justice' rather than to necessarily be an adversary to the Petitioner." Petitioner's Post Hearing Memorandum at 4. In this regard, Campbell is mistaken. While this might perhaps have been counsel's attempt at explaining some of Campbell's intemperance, it displays a confusion of function between "a party" and this Court and does not reflect positively on Campbell's "learning in the law." See Me. Bar Rule 5(b)(5); Application of Spurling, 595 A.2d 1062, 1064 (Me. 1991); Application of Hughes, 594 A.2d 1098, 1100 (Me. 1991); In re Feingold, 296 A.2d 492, 498 (Me. 1972); see also Application of Aucollie, 637 A.2d 409, 411 (Conn. Super. 1993).

feeling is you're trying to do everything you can to sabotage the Brunette complaint and the Pratt complaint . . . [E]ven the reason my complaint to the Attorney General became public by you and was made a matter of public record was because you've been concealing it so far and thought that is the only way to defend yourself.

(Tr. 559). The fact that Campbell qualified his statements as being opinions does not reduce the inappropriateness and disruptiveness of these remarks.

Referring to the Board's witnesses, Carey and Steven, Campbell testified: "you've done everything you can to back up their credibility and make me seem as if I'm somehow against them personally." (Tr. 560). Campbell accused Bar Counsel of improper motive: "Because I complained, you used my complaint and Carey's response to start cross-examining me." (Tr. 562). Campbell accused Bar Counsel of placing himself in an untenable position and being "a solicitous advocate for the perpetrator of the theft." (Tr. 563). He accused Bar Counsel of "attempting to sanitize the witnesses" against him by dismissing grievance complaints against those witnesses. (Tr. 573).

At the hearing before this Court Campbell again attempted to discredit Bar Counsel by accusing him of aligning with a "criminal" [Carey] and adopting Carey's theory. When asked how he reacted to a statement in the panel's findings that he tried to put Bar Counsel on the defensive, Campbell testified that he did not intend to intimidate Bar Counsel and that the only thing intimidating Bar Counsel would be Bar Counsel's own guilt.

Throughout the proceedings, Campbell also made gratuitous comments aimed at discrediting Carey. He began his opening statement

before the panel by stating it would be improper and contrary to the interests of justice to call Carey and Steven as witnesses. (Tr. 19). When asked whether he had malpractice insurance before he was disbarred, Campbell replied that he did and then added: "I might say, unlike Mr. Carey who has no insurance to my knowledge." (Tr. 441). He continually attempted to discredit Carey: "I don't think a man who has fired you because you had a problem with his wife, a man who has then taken your mail, is a very credible guy and that this kind of muckraking muddles the process of my reinstatement to the Bar. . . . I don't think a man who's wife claims you've frightened her to death and blah, blah is -- if he's got any sense of family loyalty, is going to be objective." (Tr. 452).

It is not surprising that two of Campbell's most supportive witnesses testified that he occasionally needed to be told to "chill out" (Whittier, Tr. 142) or that sometimes he "would like to pull the chain and say, hey, you know, let's get the fire hose out here, calm down" (Fusco, Tr. 191).

We have said that:

The efficient and orderly administration of justice cannot be successfully carried on if we allow attorneys to engage in unwarranted attacks on the court, opposing counsel or the jury. Such tactics seriously lower the public respect for both the Court and the Bar. It is the duty of an attorney to present his case in an orderly fashion and not to engage in conduct repugnant to the just determination of the issues in controversy. Turbulent, intemperate or irresponsible behavior is a proper basis for the denial of admission to the bar.

Application of Feingold, 296 A.2d 492, 500 (Me. 1972). Similarly, this Court finds that Campbell's behavior during the proceedings was often turbulent, intemperate, and irresponsible. Such conduct raises grave doubts

about his ability to function appropriately within the judicial system. Such behavior does not further a client's goals and it interferes with the administration of justice. The many examples of such behavior on the part of Campbell -- especially while he is seeking reinstatement -- establishes his inability to use good judgment. Future clients can be damaged and such behavior reflects badly on the Bar as a whole and on the integrity of the justice system. His disruptive attitude and conduct of nearly 10 years ago, State v. Campbell, 497 A.2d 467, 470-471 (Me. 1985); Board of Overseers of the Bar v. Campbell, 539 A.2d 208, 209 (Me. 1988), remain strikingly similar to that currently witnessed by this Court and highlighted by the panel.

C. Unethical Conduct

Campbell repeatedly engaged in conduct inconsistent with the ethical obligations of an attorney. Although a disbarred attorney is not subject to the Maine Bar Rules, an attorney seeking reinstatement, especially one working as a paralegal, should be cognizant of and attentive to the rules of the profession into which he seeks readmission. Conduct contrary to these rules is relevant because it evidences a lack of respect for or an unfamiliarity with the rules governing professional conduct. See Me. Bar R. 7.3(j)(5)(D) and (F).

Campbell admits that in August 1992 he inappropriately threatened to sue Carey if Carey did not write him a recommendation letter. (Tr. 97). Campbell's willingness to threaten a frivolous suit might well constitute a

violation of Rule 3.7(a).⁵ At the hearing before this Court, Campbell all but admitted that he filed a grievance against Carey for the purpose of undermining Carey's effectiveness as a witness against him in this proceeding. For an attorney to do so would constitute a violation of Rule 3.6(c).⁶ The public disclosure in his petition for reinstatement of his complaint accusing Carey of unethical conduct would violate the spirit, at least, of Rule 7.1(c)(2)⁷ if Campbell had been an attorney. Campbell's request of Newcomb in November 1993 that she make a positive comment about him to Chairman Foster might well be conduct contrary to Rule 3.7(h)(2).⁸ Campbell admits that in 1993 he improperly disclosed information to Steven's wife about a confidential grievance complaint in

5. Rule 3.7(a) reads:

A lawyer shall not file a suit, assert a position, delay a trial, or take other action on behalf of a client when the lawyer knows, or should know, that such action would merely serve to harass or maliciously inspire another.

6. Rule 3.6(c) reads:

A lawyer shall not present, or threaten to present, criminal, administrative, or disciplinary charges solely to obtain an advantage in a civil matter.

7. Rule 7.1(c)(2) reads in pertinent part:

Information contained in Bar Counsel Files shall not be reported in response to inquiries made to the Board as to the good standing or disciplinary record of any attorney and shall not be used in any subsequent proceedings before the Board or Grievance Commission, or the Court.

8. Rule 3.7(h)(2) reads in pertinent part:

In the absence of opposing counsel, a lawyer shall not directly or indirectly communicate with or argue before a judge or tribunal upon the merits of a contested matter pending before such judge or tribunal, except in open court. . . .

possible violation of Rule 3.6(h)(1).⁹ (Tr. 375, 421-22, 444-45). In addition, Campbell's evasive and often irrelevant testimony may reflect upon his ability to comply in the future with Rules 3.7(b),¹⁰ 3.7(e)(1)(i),¹¹ and 3.7(e)(2)(ii)-(iii).¹²

Campbell's lack of candor and his intemperate and potentially unethical conduct viewed in its entirety, and in light of his past violations of the Maine Bar Rules, prevents this Court from concluding that he has provided clear and convincing evidence that it is likely that reinstatement will not be detrimental to the integrity and standing of the Bar, the administration of justice, or the public interest.

9. Rule 3.6(h)(1) reads in pertinent part:

[A] lawyer shall not, without the informed written consent of the client, knowingly reveal a confidence or secret of the client . . . or use such confidence or secret to the advantage of the lawyer or a third person.

10. Rule 3.7(b) reads:

A lawyer shall not knowingly make a false statement, conceal information legally required to be revealed, or participate in the creation or preservation of false evidence.

11. Rule 3.7(e)(1) reads in pertinent part:

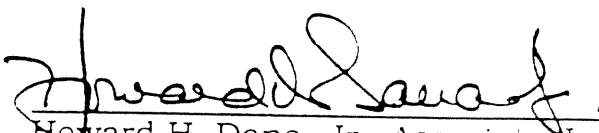
In appearing in a professional capacity before a tribunal, a lawyer shall:
 (ii) Employ, for the purpose of maintaining the causes confided to the lawyer, such means only as are consistent with truth, and shall not seek to mislead the judge, jury, or tribunal by any artifice or false statement of fact or law;

12. Rule 3.7(e)(2) reads in pertinent part:

In appearing in a professional capacity before a tribunal, a lawyer shall not . . .
 (iii) State or allude to any matter that the lawyer has no reasonable basis to believe is relevant to the case or will not be supported by admissible evidence;
 (iii) Ask any question that the lawyer has no reasonable basis to believe is relevant to the case and that is intended to degrade a witness or other person. . . .
 (vi) Engage in undignified or discourteous conduct that is degrading to a tribunal.

It is hereby ORDERED that the petition for reinstatement of ANDREWS B. CAMPBELL be denied.

Dated: September 1, 1994


Howard H. Dana, Jr., Associate Justice

SEP. 1 1994

SUPREME JUDICIAL COURT